THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION No : 16622 of 2005

Dated: 02-08-2005

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Between:

K. Sowjanya, D/o. K. Mallesh Petitioner…

And

The Principal Secretary,

Department of Education,
Secretariat, Hyderabad and another. Respondents..

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ORDER:

This writ petition is filed by the petitioner aggrieved by the inaction of the respondents in the process of re-valuation and seeking the relief of referring the answer script to expert examiner for verification and awarding marks to meet the ends of the justice.

According to the petitioner, she appeared for the 1st year Intermediate examination where she had secured 94 marks in English while she had secured cent per cent in Mathematics, Physics and Chemistry and 98 marks in Sanskrit, therefore the petitioner made an application for re-totalling and verification.

The 2nd respondent-Secretary, Board of Intermediate Education, after verification, gave a communication that there is no change with reference to the marks originally awarded. Aggrieved by the same, the petitioner has come up with the present writ petition contending that her answer script was not properly valued in accordance with the key and the guidelines issued by the Intermediate Board, therefore, it is appropriate for being valued afresh. The learned counsel specifically referred to X (b) question and the Scheme of Valuation and Key General Instructions, which contains the answers by way of rearranging the jumbling answers given in the question paper. According to the petitioner, she had answered correctly, but however, Valuer awarded only 3 marks as against 5 marks, therefore, it amounts to improper valuation, which requires to be re-valuated. Similarly, learned counsel also referred to an answer given to question No. VII (5)(d) where in addition to answering by writing (d), the petitioner had also explained what
(d) contains, therefore, there is no justification for the valuer in not awarding the marks to the said answer.

Learned senior counsel Mr. S.S. Prasad, appearing for the Intermediate Board, contended that though the claim of the petitioner may appears to be just and proper but a close examination of the answers written by the petitioner clearly shows that there were certain mistakes on the part of the petitioner, therefore, there is no justification to seek re-valuation for which there is no provision. Learned counsel also relied upon the judgment of the Apex Court in ***PRAMOD KUMAR SRIVASTAVA v. CHAIRMAN, BIHAR PUBLIC SERVICES COMMISSION, PATNA AND OTHERS***[1] where the Apex Court upheld the judgment of the Division Bench of the Patna High Court setting aside the order of the learned single judge who ordered re-valuation of the answer script even in the absence of such a provision for re-valuation,
it would not be proper for the Courts to accept the claim for
re-valuation. In the light of the said judgment, learned counsel prays to dismiss the writ petition.

Heard the learned counsel appearing for both sides and perused the material made available on record.

This writ petition is filed on the premise that certain answers of the petitioner were not properly valued, therefore sought for a direction to the Intermediate Board to refer the answer script to another expert examiner for re-valuation.

Admittedly, there is no provision for re-valuing the answer script and even in the absence of any specific rule, the petitioner seeks to invoke the powers of this Court and sought for the said relief. As already observed, though the petitioner claims that some of the answers are not properly valued by the Valuer, as pointed out by the learned counsel for the Intermediate Board, the petitioner had committed certain mistakes, therefore, the Valuer was justified in awarding less than the marks prescribed for such answers.

In that view of the matter, this Court cannot find fault with the Intermediate Board in not accepting the claim of the petitioner. Further in the absence of any specific rule permitting the petitioner to seek re-valuation, this Court do not find any merit especially, this Court also do not find any apparent mistakes to justify the claim of the petitioner and in the above circumstances, the writ petition is devoid of any merit and is liable to be dismissed.

The writ petition is accordingly dismissed. No order as to costs.

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S. ANANDA REDDY, J

Dated: 02-0802005

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